

Kenneth A. Jones, et al.  
Serial No.: 09/211,755  
Filed: December 15, 1998  
Page 2

A marked-up version of the amended claim showing the changes made is attached hereto as **Exhibit 1**.

#### REMARKS

Claims 208, 210, 213, 214, 221-225, 228, 230, 231, 233-240 and 250 are pending in the subject application. Claims 208, 210, 213, 214, 221-225, 228, 230, 231, 233-239 and 250 are allowed. By this Amendment, applicants have hereinabove amended claim 240. Accordingly, upon entry of this Amendment, claims 208, 210, 213, 214, 221-225, 228, 230, 231, 233-240 and 250, as amended, will be pending and under examination.

Applicants maintain that the amendments to claim 240 raise no issue of new matter. Support for the amendments to claim 240 may be found inter alia in the specification on page 61, lines 31-37. Accordingly, applicants respectfully request that the Amendment be entered.

#### Rejection Under 35 U.S.C. 112, First Paragraph

On page 3 of the May 7, 2002 Office Action, the Examiner rejected claim 240 under 35 U.S.C. §112, first paragraph, for allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

The Examiner alleged that the claim requires that the artisan performing the method use a compound that "was not previously known to be an agonist or antagonist of a GABA<sub>B</sub>R1/R2 receptor" and that this phrase renders the metes and bounds of the claim unascertainable. The Examiner alleged that it is not clear whom

Kenneth A. Jones, et al.  
Serial No.: 09/211,755  
Filed: December 15, 1998  
Page 3

the claim requires to not have known, nor to what time frame this lack of knowledge is applicable. The Examiner further alleged that the bounds of the claim will change with time and with increases in knowledge.

In an attempt to advance the prosecution of the subject application, but without conceding the correctness of the Examiner's position, applicants have amended claim 240. Amended claim 240 recites "wherein the compound was not known to be an agonist of a GABA<sub>B</sub>R1/R2 receptor prior to carrying out the process to determine whether the compound is an agonist". Applicants maintain that amended claim 240 renders the claim clear and distinctly claims the subject matter which applicants regards as the invention. Accordingly, applicants respectfully request that this rejection be withdrawn.

**Allowable Subject Matter**

Applicants thank the Examiner for the indication that claims 208, 210, 213, 214, 221-225, 230, 231, 233-239 and 250 are allowable.

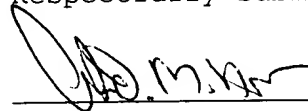
In summary, in view of the amendments and remarks made hereinabove, applicants respectfully request that the Examiner reconsider and withdraw the rejection set forth in the May 7, 2002 Office Action and earnestly solicit allowance of all claims pending in the subject application, namely claims 208, 210, 213, 214, 221-225, 230, 231, 233-240 and 250.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone the number provided below.

Kenneth A. Jones, et al.  
Serial No.: 09/211,755  
Filed: December 15, 1998  
Page 4

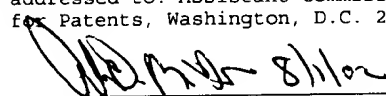
No fee is deemed necessary in connection with the filing of this Amendment. However, if any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.



Alan D. Miller  
Reg. No. 42,889

Date